

Town of Silverton  
Regular Meeting  
August 10, 2015

**TOWN OF SILVERTON**  
**MINUTES OF THE BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**August 10, 2015**

**CALL TO ORDER:**

The regular meeting of the Board of Trustees, which was properly posted, was called to order by Mayor Chris Tookey at 7:34 PM at the Silverton Town Hall.

Mayor	Christine M. Tookey
Trustees:	Karla Safranski, David Zanoni, Malcolm MacDougall, Tiffany deKay, Larry Gallegos and Mayor Pro Tem Maisel.
Staff	Michelle Hamilton, John Sites
Town Administrator	William Gardner
Others:	see sign in sheet

Public comment regarding agenda items: none

**I. Staff or Board Revisions to the Agenda: none**

**II. E.P.A Presentation** – Town Administrator, Bill Gardner, welcomed the citizens and listeners in the audience. He spoke briefly of the 1978 Lake Emma accident. He said that he was grateful that no one was injured in this recent incident. He explained that the Town of Silverton and San Juan County have created a unified Incident Management Team to mitigate the disaster area, downstream watersheds and the flow of toxic waste. He stated that the goals of the team are to create functional responsibility and multi-jurisdictional planning. He introduced the team members as: Jim Donovan – Incident Commander, Sheriff Conrad – Operations Director, William Gardner – Planner, Becky Joyce – Public Health, Willy Tookey – County Administrator, Christine Tookey – Mayor, and Anthony Edwards – Public Information Officer.

Incident Commander, Jim Donovan, lined out the goals of the team. He stressed that ultimately they want to ensure that residents of Silverton and San Juan County are safe. Public Information Officer, Anthony Edwards, explained that he would be the Town and County liaison for the press. He set up and email account where both citizens and press can direct their questions and concerns.

Mayor Tookey introduced Martin Hessmark from the E.P.A. Martin Hessmark announced that his team, including Hayes Griswold, Deborah McKean and Shaun McGrath have broadened their efforts across not only San Juan County, but New Mexico, Utah, and Colorado combined. He said that they are still committed at the Red and Bonita Mine, and also at the Gold King Mine, the Animas River, the San Juan River and all the way to Lake Powell. Mr.

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Hessmark said that the water in the river is starting to return to pre-event conditions. He said that the question now is how to determine when it is safe to re-open the river for all uses. He announced that the E.P.A. has set up a command center in Durango, with 30+ E.P.A. employees and 24 contract employees. Region 6 and Farmington have similar command centers. Their focus is data accumulation and risk screening levels building in recreational, agricultural, contact, and drinking water in domestic wells and shallow aquifers.

Mr. Hessmark said that there has been a huge communication issue, and he is pleased to hear that Silverton/San Juan County has formed an Incident Management Team, which can plug into the E.P.A.'s Incident Management Team to increase communication. He offered that the E.P.A. will give reimbursement for response costs, mentioning a Standard Form 95 to petition for compensation for damages. He reiterated that their number one priority is to figure how, where and why the river will re-open to all uses up to Lake Powell and down into New Mexico. He said that the deposits along the banks of the river are a concern, whenever they are disturbed. Colorado Parks and Wildlife, upon notification, placed sentinel fish in three locations around Durango and one in an unaffected place. They only had one mortality, indicating that this is not an acute event for fish. Mountain Studies Institute has been studying invertebrates both before and after the event and they have reported that there has been no significant mortality rate thus far. Mr. Hessmark said that the leading line of the mine discharge is no longer discernable. He said that water is being release from Navajo Reservoir to dilute the water in the San Juan River. He also surmised that the mine waste water has probably reached Lake Powell by now.

E.P.A. Toxicologist, Deborah McKlean announced that they had sampling crews on hand and sampling began immediately after the incident occurred.

Mr. Hessmark said that they are posting time sequences of samples in real time. Ms. McKlean said that the plume was moving at about 4mph up in Silverton. She said that the CDC (ATSDR) confirmed that incidental exposure would have been so fleeting that there would be no long term effects. The acidic value is around 3.5-4%.

Trustee MacDougall commented that their website should have an FAQ sheet for this incident. He said that people between Colorado and New Mexico want to help, and want to know what they can do.

Mr. Hessmark replied that they are fast approaching knowing what to do but that they are not quite there yet. He said it is less of a sludge movement problem and more of a sediment problem.

Trustee Zanoni asked that prior to the incident, what was the E.P.A. doing and what was their intent?

Mr. Hessmark replied that there were plugs placed in the American Tunnel and at the Red and Bonita and they wanted to see what effects the plugs were having. He said that a large load of unconsolidated material blew the plug at the Gold King, the treatment ponds were overwhelmed, and a little over 3 million gallons of waste water flowed into Cement Creek. The waste water had a significant amount of solids.

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Hayes Griswold of the E.P.A stated that the flow is at about 200 gallons per minute as of 3:00p.m. today. Before the incident, it was between 70 GPM and 200 GPM. The pH was around 3.2-3.3 and was being treated with caustic soda and lime. Four treatment ponds were constructed. The pH levels have raised to about 5.5 after being treated and before hitting Cement Creek.

Trustee Safranski asked if sediment is loading into the river, and what will stir it up?

Mr. Hessmark said that heavy precipitation and run-off could stir it up. He said that suspended sediment causes havoc in filtration, irrigation, and water systems. Trustee Safranski asked if the E.P.A. has tested the water in the Animas between Silverton and Durango.

Mr. Hessmark replied that they have not.

Sheriff Conrad commented that this sounds like a recap of the meeting in Durango last night. He asked if there was any new information to share.

Mr. Hessmark replied that there is no new data other than what is posted on their website. He said that they are working with agencies to ensure proper decision are made before lifting bans.

Sheriff Conrad requested a copy of their Emergency Response Plan. He stated that when the incident happened, there were no communications to the town to let citizens know that a 2ft. wall of water and debris was headed towards them.

**Public Comment:**

Doug Bishop – Silverton resident, asked what the E.P.A. has learned from this event, and if the plugging of the holes was just putting a band-aid on the problem. Mr. Hessmark replied that they are conducting a “hot wash”. He said that they have some choices to make. They are considering stainless steel pipes and valves behind the plugs to monitor pressure, which can be turned off.

Mr. Bishop asked if anything like this has happened before.

Mr. Hessmark replied that he believes it has happened – in Leadville.

Susan Collins – Silverton resident, asked what the E.P.A. techniques are for contaminated sediment mitigation.

Mr. Hessmark replied that the E.P.A. does not have experience in this type of river. He said that research and technology are needed here.

Kevin Baldwin – Silverton resident, said that he has attended numerous Animas River Stakeholder meetings, and it sounds like everyone was aware that there was water in the mountain. He asked why they were not prepared to stop a sudden rush of water. He wondered why they didn’t have any heavy equipment or pre-cast concrete.

Melody Skinner – Silverton resident, thanked the E.P.A. for trying to help residents understand the dangers around them, and only releasing exact science and not speculation.

Bill Dodge – Silverton resident, thanked the E.P.A. for their commitment and partnership, to ensure that nothing like this will ever happen again.

Mr. Hessmark remarked that citizens of this community have more knowledge of these mines than the E.P.A. does. He said that they want to explore that knowledge.

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Tim Hewitt – Silverton resident, asked why the E.P.A. is doing the investigation if they are the ones who caused the problem. He asked if a non-governmental agency could do the investigation instead.

Deborah McKlean replied that Mountain Studies Institute would be a good option for that.

Steve Farin – Silverton resident, remarked that the E.P.A. has been a good partner with the Animas River Stakeholders Group.

DeAnne Gallegos – Silverton resident, said that as a community, we are building a comprehensive communications plan to show visitors that Silverton is safe. She asked what the E.P.A. is doing to help us communicate that message, now that this is a national story.

Trustee Gallegos mentioned that he heard a cell tower may be going up. He asked when.

Mr. Hessmark replied that he has contacted Verizon and they know it is a priority.

Five Minute Break.

**III. Appointments:**

**1. Proclamation of a State of Local Emergency**

Mayor Tookey explained that the Town of Silverton and San Juan County drafted a Proclamation of State of Local Emergency, and the Board of Trustees might consider extending it.

**Trustee MacDougall motioned and Trustee Gallegos seconded to continue the State of Emergency indefinitely. The motion passed with a roll call vote**

**III. Consent Agenda:**

**IV. Administrator's Report:**

**V. Trustee Reports:**

**VI. New Business**

**VII. Executive Session**

**VIII. ADJOURNMENT:**

**Adjourned 8:49p.m. PM**

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**Michelle Hamilton**  
**Clerk/Treasurer**

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**Christine M. Tookey**  
**Mayor**